

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SAMUEL LOVE,**

Plaintiff,

vs.

**DUTCHESS Z. BOOZE, ET AL.,**

Defendants.

CASE NO. 19-cv-01633-YGR

**ORDER ADOPTING IN PART MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Re: Dkt. Nos. 24, 27

The Court has carefully reviewed Magistrate Judge Sallie Kim's Report and Recommendation (Dkt. No. 27 ("Report")) recommending that the Court deny without prejudice plaintiff Samuel Love's motion for default judgment against defendants Dutchess Z. Booze and Kevin U. Booze. No party filed an objection.

The Magistrate Judge's recommendation is based on two findings. First, the Report finds that plaintiff's allegations are insufficient because he states that he does not know "true names of Defendants, their business capacities, their ownership connection to the property and business, or their relative responsibilities in causing the access violations." However, plaintiff's motion for default judgment and Exhibit 4 to the motion provide additional details about the defendants and their relationship to this case. Although these statements are not contained in the complaint, they appear to resolve the Magistrate Judge's concerns regarding insufficiency of the allegations regarding defendants. As such, the Court is not persuaded that this is a proper basis for denial of the motion for default judgment, nor does the Court find it necessary to order plaintiff to clarify these allegations.

Second, the Report expresses concerns about whether plaintiff has established proper service of process on defendants. On this issue, the Court finds the Report correct, well-reasoned, and thorough, and adopts it in every respect. The Court further notes that although the Clerk of

1 the Court entered default as to Mr. Booze on July 25, 2019 and as to Ms. Booze on August 21,  
2 2019, likely based on the proofs of service that had been filed, the Report identifies discrepancies  
3 in plaintiff's filings that cast doubt on the propriety of service. The Report also states that  
4 plaintiff should be "prepared to show the grounds for believing that these Doe individuals [who  
5 allegedly accepted service] were apparently in charge." As of this filing, plaintiff has not made  
6 any such showing. Accordingly, and for the reasons set forth in this portion of the Report,  
7 plaintiff's motion for default judgment is **DENIED WITHOUT PREJUDICE**. By no later than July  
8 10, 2020, plaintiff shall file with the Court proper proof of service or a statement explaining the  
9 grounds for believing defendants were properly served via the Doe individuals.

10 This Order terminates Docket Numbers 24 and 27.

11 **IT IS SO ORDERED.**

12 Dated: June 2, 2020

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14 YVONNE GONZALEZ ROGERS  
15 UNITED STATES DISTRICT COURT JUDGE  
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